

REMARKS

Reconsideration of the application in view of the above amendments and the following remarks are respectfully requested.

Claims 1- 2 and 4-28 are pending in the application, wherein Claims 1, 10, 16 and 22 are independent claims. Claims 1-2, 4-6, 9-12, 15-18, 21-25 and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Skelly* (U.S. Patent No. 6,064,383) in view of *Apfel* (U.S. Patent No. 6,405,225 B1). Claims 7-8, 13-14, 19-20, and 26-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Skelly* in view of *Apfel* and *Evans* (U.S. Patent Application Publication No. 2004/0002325 A1).

Regarding the rejection of independent Claims 1, 10 and 16 under 35 U.S.C. 103(a), the Examiner states that *Skelly* teaches each and every element, except acknowledges that *Skelly* fails to disclose the step of storing as part of a short message the emoticon selected by a user. Rather, the Examiner relies on *Apfel* (col. 1, lines 26-35, col. 3, lines 28-33) for disclosing the step of storing as part of a short message the emoticon selected by the user. As such, the Examiner states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of *Apfel* to the teaching of *Skelly* to allow users to create sophisticated documents for transmission via email.

Contrary to the Examiner's position, *Apfel* (col. 1, lines 26-35, col. 3, lines 28-33) teaches inputting abbreviations corresponding to emoticons. *Apfel* (col. 1, lines 26-35, col. 3, lines 28-33) neither teaches nor discloses directly selecting an emoticon when storing the emoticon in an email message. Independent Claims 1, 10 and 16 recite selecting one of displayed emoticons and storing the selected emoticon as part of a short message, which is different from the feature of *Apfel*. As such, it is believed that independent Claims 1, 10 and 16 are in condition for allowance.

Accordingly, without conceding the patentability of dependent Claims 2, 4-9, 11-15 and 17-21, *per se*, these claims are believed to be patentable over the combination of *Skelly*, *Apfel* and *Evans*, based on their respective dependency from independent Claims 1, 10 and 16.

Independent Claim 22, which has been rejected under 35 U.S.C. § 103(a), is amended as set forth below for further clarification of the claim. Claim 22 is amended to include the feature of displaying a list of a plurality of emoticon groups comprised of previously grouped emoticons according to a specific reference in emoticon input mode, and displaying emoticons included in an emoticon group selected by a user among the plurality of emoticon groups, which is not taught by the combination of *Skelly* and *Apfel*. Accordingly, it is believed that Claim 22 is in condition for allowance herein.

Therefore, without conceding the patentability of dependent Claims 23-28, *per se*, these claims are believed to be patentable over the combination of *Skelly* and *Apfel*, based on their respective dependency from independent Claim 22.

Accordingly, all of the claims pending in the Application, namely, Claims 1-2 and 4-28, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

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